

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN SENATE APRIL 22, 2009

**SENATE BILL**

**No. 707**

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**Introduced by Senator DeSaulnier**  
(Coauthor: Assembly Member Beall)

February 27, 2009

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An act to add Part 4 (commencing with Section 11975.10) to Division ~~10.5 of, and to repeal Section 11975.30 of, the Health and Safety Code,~~ *10.5 of the Health and Safety Code*, to amend Section 11165.7 of the Penal Code, and to amend Section 15630 of the Welfare and Institutions Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 707, as amended, DeSaulnier. Alcohol and other drug counselor licensing and certification.

Existing law provides for the licensure, registration, and certification of the various healing arts professionals, including, but not limited to, setting forth the scope of practice, establishing the regulatory boards, department, or bureaus, and setting forth the powers and duties of these entities.

This bill would establish similar licensure, registration, and certification provisions relating to alcohol and other drug counselors to be administered by the State Department of Alcohol and Drug Programs, and would authorize the department to commence issuing these licenses, registrations, and certificates on January 1, ~~2011~~ 2012. The bill would make a violation of these provisions a crime. The bill would authorize the department to assess related fees, and would require deposit of the fees into the Alcohol and Other Drug Counselor License

Fund, which the bill would establish for expenditure for the purposes of this bill, upon appropriation by the Legislature.

By establishing a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Part 4 (commencing with Section 11975.10) is added to Division 10.5 of the Health and Safety Code, to read:

PART 4. ALCOHOL AND OTHER DRUG COUNSELOR  
LICENSING AND CERTIFICATION

CHAPTER 1. GENERAL PROVISIONS

11975.10. (a) This part shall be known, and may be cited, as the Alcohol and Other Drug Counselor Licensing and Certification Act.

(b) This part shall be liberally construed to achieve its objectives.

11975.15. For purposes of this part, the following terms have the following meanings:

(a) “Certified Alcohol and Other Drug Counselor” or “CAODC” means a person certified by the department pursuant to Section 11975.35 or 11975.36 to practice alcohol and drug counseling under clinical supervision in a program licensed or certified by the department under this division.

~~(b) “Certified Alcohol and Other Drug Counselor-Advanced” or “CAODC-A” means a person certified by the department pursuant to Section 11975.37 or 11975.38 to practice alcohol and drug counseling in a program licensed or certified by the department under this division.~~

(e)

1 (b) “Certified Alcohol and Other Drug Counselor-Clinical  
2 Supervisor” or “CAODC-CS” means a person certified by the  
3 department pursuant to Section 11975.39 or 11975.40 to practice  
4 alcohol and drug counseling in a program licensed or certified by  
5 the department under this division, and who may provide clinical  
6 supervision to registrants, ~~CAODCs, and CAODC-As.~~ *and*  
7 *CAODCs.*

8 ~~(d)~~

9 (c) “Licensed Alcohol and Other Drug Counselor” or “LAODC”  
10 means a person licensed by the department pursuant to Section  
11 11975.41 or 11975.42 to practice alcohol and other drug  
12 counseling, and who may provide clinical supervision to any other  
13 person licensed, certified, or registered under this part, and who  
14 may maintain an independent counseling practice *outside of a*  
15 *program licensed or certified by the department pursuant to this*  
16 *division.*

17 ~~(e)~~

18 (d) “Clinical supervision” means the ongoing process in which  
19 the supervisor participates with one or more supervisees to ensure  
20 high quality service delivery across domains of counselor  
21 development, professional and ethical standards, program  
22 development, quality assurance, performance evaluation, and  
23 administration, as described in “Competencies for Substance Abuse  
24 Treatment Clinical Supervisors,” Technical Assistance Publication  
25 Series No. 21-A, 2007, published by the United States Department  
26 of Health and Human Services, Substance Abuse and Mental  
27 Health Services Administration Center for Substance Abuse  
28 Treatment, or other sources as the department may specify by  
29 regulation.

30 ~~(f)~~

31 (e) “Advertise” includes, but is not limited to, the issuance of  
32 any card, sign, or device to any person, or the causing, permitting,  
33 or allowing of any sign or marking on or in any building or  
34 structure, or in any newspaper or magazine or in any directory, or  
35 any printed matter, with or without any limiting qualification. It  
36 also includes business solicitations communicated by radio or  
37 television broadcasting, the Internet, or any other electronic  
38 medium.

39 ~~(g)~~

1 (f) “Registrant” means an uncertified or unlicensed person who  
2 is in the course of completing the requirements for certification or  
3 licensure under this part and is registered with the department who  
4 has completed no less than 12 semester units or 18 quarter units  
5 of the education required under this part.

6 ~~(h) “Supervision”~~

7 (g) “*Clinical supervision*” means responsibility for, and control  
8 of, the quality of alcohol and other drug counseling services being  
9 provided. Consultation or peer discussion shall not be considered  
10 to be *clinical* supervision. “Supervisee” means a registrant or  
11 certified or licensed counselor under this part, as the case may be,  
12 who is seeking to meet the supervised experience requirements of  
13 this part.

14  
15 CHAPTER 2. ADMINISTRATION

16  
17 11975.20. (a) The department shall administer and enforce  
18 this part.

19 (b) The department may enter into an agreement with any  
20 governmental agency or other entity, public or private, to  
21 administer any portion of this part.

22 11975.25. In order to carry out the provisions of this part, the  
23 department shall do, but shall not be limited to, all of the following:

24 (a) Adopt rules and regulations as necessary to administer and  
25 enforce this part. The adoption, amendment, and repeal of those  
26 rules and regulations shall be made in accordance with the  
27 rulemaking provisions of the Administrative Procedure Act  
28 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
29 Division 3 of Title 2 of the Government Code).

30 (b) Develop standards for registration, certification, and  
31 licensure of alcohol and other drug counselors, including those  
32 persons presently certified pursuant to regulations adopted by the  
33 department so that they have an opportunity for certification or  
34 licensure under this part with appropriate credit for the education,  
35 training, and experience obtained prior to the department’s  
36 implementation of this part. The department ~~shall establish~~ *may,*  
37 *on or after January 1, 2015, establish voluntary* standards for  
38 ~~multiple advanced~~ levels of alcohol and other drug counselors and  
39 ~~may establish~~ subspecialties with distinct requirements.

1 (c) Issue licenses, certificates, and registrations beginning  
2 January 1, ~~2011~~ 2012, to those who meet the qualifications of this  
3 part and any regulations promulgated pursuant to this part.

4 (d) Take disciplinary action against counselors where  
5 appropriate, including reprimand or probation, suspension, or  
6 revocation of the license, certificate, or registration, issuance of  
7 administrative citations, or imposition of administrative fines not  
8 to exceed five thousand dollars (\$5,000), or any combination of  
9 these.

10 (e) Establish continuing education requirements.

11 (f) Establish procedures for the receipt, investigation, and  
12 resolution of complaints.

13 (g) Establish criteria to determine whether the curriculum of an  
14 educational institution satisfies the requirements imposed by this  
15 part.

16 (h) Establish parameters of unprofessional conduct that are  
17 consistent with generally accepted ethics codes for the profession.

18 (i) Establish reinstatement procedures for an expired or revoked  
19 certificate or license.

20 (j) Establish registration and *clinical* supervision requirements  
21 for registrants, including those persons presently registered  
22 pursuant to regulations adopted by the department, so that they  
23 have an opportunity for registration, certification, and licensure  
24 under this part with appropriate credit for the education, training,  
25 and experience obtained prior to the department's implementation  
26 of this part.

27 (k) Develop or adopt one or more examinations for  
28 administering to prospective certificants and licensees. The test  
29 may be administered by the department or by any public or private  
30 entity selected by the department.

31 (l) Maintain a database of certified and licensed counselors and  
32 registrants, including the individual's status, any public record of  
33 discipline, and other information as the department may require.

34 (m) *Establish an advisory committee composed of one or more*  
35 *representatives of consumers, counselors, counselor employers,*  
36 *counties, educators, referral sources, and other persons as the*  
37 *director may determine, which shall meet at least two times per*  
38 *year and which shall make recommendations to the department*  
39 *concerning curriculum, criminal background checks,*

1 *unprofessional conduct, and other matters as the department may*  
2 *refer to the committee.*

3  
4 CHAPTER 3. LICENSING AND CERTIFICATION  
5

6 11975.30. (a) The department shall certify or license, at the  
7 appropriate level specified in Section 11975.36,~~11975.38,~~  
8 11975.40, or 11975.42, as applicable, each person who the  
9 department determines was certified as a counselor on December  
10 31,~~2010~~ 2011, in accordance with regulations of the department  
11 in effect on that date.

12 (b) Certification or licensure provided pursuant to this section  
13 shall be in force for at least two, but not more than four, years, as  
14 the department may determine by regulation and shall, thereafter,  
15 be renewable in the same manner as any other certification or  
16 licensure pursuant to this part.

17 (c) The registration, certification, or licensure issued pursuant  
18 to this section shall be subject to all of the same actions to deny,  
19 suspend, revoke, or condition any other registration, certificate,  
20 or license under this part.

21 (d) The department shall specify by regulation the conditions  
22 under which persons registered to become certified, pursuant to  
23 the department's regulations in effect on December 31,~~2010~~ 2011,  
24 may be eligible to be registered or certified under this part and  
25 receive appropriate credit for education, supervised experience,  
26 and work experience previously completed.

27 (e) The department shall not issue a registration, certification,  
28 or license pursuant to this section unless a complete application is  
29 received by December 31,~~2013~~ 2014.

30 11975.35. Commencing January 1,~~2011~~ 2012, the department  
31 shall issue a Certified Alcohol and Other Drug Counselor  
32 (CAODC) certificate to each person who meets all of the following  
33 requirements:

34 (a) Meets either of the following:

35 (1) Completes 350 hours of education as specified in Section  
36 11975.45 and possesses a high school diploma or GED.

37 (2) Possesses an earned associate of arts, associate of science  
38 in alcohol and drug counseling, or other *clinically focused* major  
39 or an equivalent degree recognized by the department by regulation,  
40 from an institution of higher learning accredited by the Western

1 Association of Schools and Colleges or an equivalent ~~regional~~  
2 accrediting agency approved by the United States Department of  
3 Education.

4 (b) *Completes both of the following:*

5 (1) *Six hours of education in the subject of law and ethics as it*  
6 *relates to a licensee's ability to practice alcoholism and drug abuse*  
7 *counseling safely. This education may include, but shall not be*  
8 *limited to, education in the legal and regulatory aspects of*  
9 *chemical dependency treatment, regulatory restrictions,*  
10 *confidentiality, issues surrounding clients' rights, and standards*  
11 *of competency for the practice of alcoholism and drug abuse*  
12 *counseling.*

13 (2) *Ten hours of education in the recognition of cooccurring*  
14 *disorders, referral processes, and the evaluation of clients using*  
15 *placement criteria, such as the American Society of Addiction*  
16 *Medicine (ASAM) patient placement criteria or other validated*  
17 *clinical tools, to determine the most appropriate level of care for*  
18 *the client and eligibility for admission to a particular alcoholism*  
19 *and drug abuse treatment program.*

20 ~~(b)~~

21 (c) *Passes the test specified in Section 11975.50.*

22 ~~(e)~~

23 (d) *Completes 250 hours of supervised experience as specified*  
24 *in Section 11975.55.*

25 ~~(d)~~

26 (e) *Completes 2,080 hours of work experience as specified in*  
27 *Section 11975.60.*

28 ~~(e)~~

29 (f) *Submits to a state and federal level criminal offender record*  
30 *information search and passes both background checks as specified*  
31 *in Section 11976.45.*

32 ~~(f)~~

33 (g) *Pays the required fees as set by the department.*

34 ~~(g)~~

35 (h) *Completes the application for a certificate and satisfies all*  
36 *other requirements of this part for certification as a CAODC.*

37 11975.36. Commencing January 1, ~~2011~~ 2012, and ceasing  
38 with the disposition of all complete applications actually received  
39 by the department by December 31, ~~2013~~ 2014, the department  
40 shall issue a Certified Alcohol and Other Drug Counselor

(CAODC)/ Previously Certified certificate pursuant to Section 11975.30 to each person who the department determines was certified as a counselor on December 31, ~~2010~~ 2011, in accordance with regulations of the department in effect on that date, and who meets all of the following requirements:

(a) Submits to a state and federal level criminal offender record information search not later than June 30, ~~2011~~ 2012, and passes both background checks as specified in Section 11976.45.

(b) Pays the required fees as set by the department.

(c) Completes the application for a certificate.

~~11975.37. Commencing January 1, 2011, the department shall issue a Certified Alcohol and Other Drug Counselor-Advanced (CAODC-A) certificate to each person who meets all of the following requirements:~~

~~(a) Meets either of the following:~~

~~(1) Possesses an earned Bachelor of Arts, Bachelor of Science in alcohol and drug counseling, or other major or an equivalent degree recognized by the department by regulation, from an institution of higher learning accredited by the Western Association of Schools and Colleges or an equivalent regional accrediting agency approved by the United States Department of Education.~~

~~(2) Completes 10,000 hours of work experience as specified in Section 11975.60, within a period not exceeding 10 years prior to the date the application for certification was filed and possesses a high school diploma or GED.~~

~~(b) Passes the test specified in Section 11975.50.~~

~~(c) Completes 400 hours of supervised experience as specified in Section 11975.55. Up to 250 hours credited to obtain a CAODC certificate may be applied toward this requirement.~~

~~(d) Completes 2,080 hours of work experience as specified in Section 11975.60.~~

~~(e) Submits to a state and federal level criminal offender record information search and passes both background checks as specified in Section 11976.45.~~

~~(f) Pays the required fees as set by the department.~~

~~(g) Completes the application for a certificate and satisfies all other requirements of this part for certification as a CAODC-A.~~

~~11975.38. Commencing January 1, 2011, and ceasing with the disposition of all complete applications actually received by the department by December 31, 2013, the department shall issue a~~

~~Certified Alcohol and Other Drug Counselor-Advanced (CAODC-A)/ Previously Certified certificate pursuant to Section 11975.30 to each person who the department determines was certified as a counselor on December 31, 2010, in accordance with regulations of the department in effect on that date, and who meets all of the following requirements:~~

~~(a) Submits to a state and federal level criminal offender record information search not later than June 30, 2011, and passes both background checks as specified in Section 11976.45.~~

~~(b) Pays the required fees as set by the department.~~

~~(c) Completes the application for a certificate.~~

~~(d) Prior to January 1, 2011, meets the requirements of Section 11975.37, or possesses an advanced certification issued by one of the certifying organizations recognized by the department under its regulations in effect on December 31, 2010, which certification the department determines by regulation makes the holder eligible for certification at the CAODC-A level.~~

11975.39. Commencing January 1, ~~2011~~ 2012, the department shall issue a Certified Alcohol and Other Drug Counselor-Clinical Supervisor (CAODC-CS) certificate to each person who meets all of the following requirements:

(a) Meets both of the following:

(1) Possesses an earned Bachelor of Arts, Bachelor of Science in alcohol and drug counseling, or other *clinically focused* major or an equivalent degree recognized by the department by regulation, from an institution of higher learning accredited by the Western Association of Schools and Colleges or an equivalent ~~regional~~ accrediting agency approved by the United States Department of Education.

~~(2) Completes 40 hours of continuing education specifically directed to the competencies of clinical supervision, as approved by the department.~~

(2) *Completes all of the following:*

(A) *Forty hours of education in clinical supervision techniques.*

(B) *Six hours of education in the subject of law and ethics as it relates to a licensee's ability to practice alcoholism and drug abuse counseling safely. This education may include, but shall not be limited to, education in the legal and regulatory aspects of chemical dependency treatment, regulatory restrictions, confidentiality, issues surrounding clients' rights, and standards*

1 of competency for the practice of alcoholism and drug abuse  
2 counseling.

3 (C) Ten hours of education in the recognition of cooccurring  
4 disorders, referral processes, and the evaluation of clients using  
5 placement criteria, such as the ASAM patient placement criteria  
6 or other validated clinical tools, to determine the most appropriate  
7 level of care for the client and eligibility for admission to a  
8 particular alcoholism and drug abuse treatment program.

9 (b) Passes the test specified in Section 11975.50.

10 (c) Completes 550 hours of supervised experience as specified  
11 in Section 11975.55. Up to 400 hours credited to obtain a  
12 ~~CAODC-A certificate, that may include up to 250 hours credited~~  
13 ~~to obtain a CAODC certificate;~~ certificate may be applied toward  
14 this requirement.

15 (d) Completes 2,080 hours of work experience as specified in  
16 Section 11975.60.

17 (e) Submits to a state and federal level criminal offender record  
18 information search and passes both background checks as specified  
19 in Section 11976.45.

20 (f) Pays the required fees as set by the department.

21 (g) Completes the application for a certificate and satisfies all  
22 other requirements of this part for certification as a CAODC-CS,  
23 including any additional requirements specified by the department  
24 related to clinical supervision.

25 11975.40. Commencing January 1, ~~2011~~ 2012, and ceasing  
26 with the disposition of all complete applications actually received  
27 by the department by December 31, ~~2013~~ 2014, the department  
28 shall issue a Certified Alcohol and Other Drug Counselor-Clinical  
29 Supervisor (CAODC-CS)/ Previously Certified certificate pursuant  
30 to Section 11975.30 to each person who the department determines  
31 was certified as a counselor on December 31, ~~2010~~ 2011, in  
32 accordance with regulations of the department in effect on that  
33 date, and who meets all of the following requirements:

34 (a) Submits to a state and federal level criminal offender record  
35 information search not later than June 30, ~~2011~~ 2012, and passes  
36 both background checks as specified in Section 11976.45.

37 (b) Pays the required fees as set by the department.

38 (c) Completes the application for a certificate.

39 (d) Prior to January 1, ~~2011~~ 2012, complies with ~~all~~ one or more  
40 of the following:

1 (1) Meets the requirements of Section 11975.39.

2 (2) Possesses an advanced certification issued by one of the  
3 certifying organizations recognized by the department under its  
4 regulations in effect on December 31, ~~2010~~ 2011, which  
5 certification the department determines by regulation makes the  
6 holder eligible for certification at the CAODC-CS level.

7 (3) ~~(A) Completes 10,000~~ *Completes both of the following:*

8 (A) *Ten thousand* hours of work experience in clinical  
9 supervision as specified in Section 11975.60, within a period not  
10 exceeding 10 years prior to the date the application for certification  
11 was filed.

12 (B) ~~Completes 40~~ *Forty* hours of continuing education  
13 specifically directed to the competencies of clinical supervision,  
14 as approved by the department.

15 11975.41. Commencing January 1, ~~2011~~ 2012, the department  
16 shall issue an Licensed Alcohol and Other Drug Counselor  
17 (LAODC) license to a person who meets all of the following  
18 requirements:

19 (a) Possesses an earned master of arts, master of science, or  
20 doctorate degree in alcohol and drug counseling, psychology, ~~or~~  
21 social work, or other *clinically focused* major or an equivalent  
22 degree recognized by the department by regulation, from an  
23 institution of higher learning accredited by the Western Association  
24 of Schools and Colleges or an equivalent ~~regional~~ accrediting  
25 agency approved by the United States Department of Education.

26 ~~(b) Completes a course of education as specified in paragraph~~  
27 ~~(3) of subdivision (b) of Section 11976.50 specifically directed to~~  
28 ~~the competencies of clinical supervision.~~

29 (b) *Completes all of the following:*

30 (1) *Forty hours of education in clinical supervision techniques.*

31 (2) *Six hours of education in the subject of law and ethics as it*  
32 *relates to a licensee's ability to practice alcoholism and drug abuse*  
33 *counseling safely. This education may include, but shall not be*  
34 *limited to, education in the legal and regulatory aspects of*  
35 *chemical dependency treatment, regulatory restrictions,*  
36 *confidentiality, issues surrounding clients' rights, and standards*  
37 *of competency for the practice of alcoholism and drug abuse*  
38 *counseling.*

39 (3) *Ten hours of education in the recognition of cooccurring*  
40 *disorders, referral processes, and the evaluation of clients using*

1 *placement criteria, such as the ASAM patient placement criteria*  
2 *or other validated clinical tools, to determine the most appropriate*  
3 *level of care for the client and eligibility for admission to a*  
4 *particular alcoholism and drug abuse treatment program.*

5 (c) Passes the test specified in Section 11975.50.

6 (d) Completes ~~2,000~~ 3,200 hours of supervised experience as  
7 specified in Section 11975.55.

8 (e) Completes ~~6,000~~ 4,800 hours of work experience as specified  
9 in Section 11975.60.

10 (f) Submits to a state and federal level criminal offender record  
11 information search and passes both background checks as specified  
12 in Section 11976.45.

13 (g) Pays the required fees as set by the department.

14 (h) Completes the application for a license and satisfies all other  
15 requirements of this part for licensure as an LAODC.

16 11975.42. Commencing January 1, ~~2011~~ 2012, and ceasing  
17 with the disposition of all complete applications actually received  
18 by the department by December 31, ~~2013~~ 2014, the department  
19 shall issue a Licensed Alcohol and Other Drug Counselor  
20 (LAODC)/ Previously Certified Counselor license pursuant to  
21 Section 11975.30 to each person who the department determines  
22 was certified as a counselor on December 31, ~~2010~~ 2011, in  
23 accordance with regulations of the department in effect on that  
24 date, and who meets all of the following requirements:

25 (a) Submits to a state and federal level criminal offender record  
26 information search not later than June 30, ~~2011~~ 2012, and passes  
27 both background checks as specified in Section 11976.45.

28 (b) Pays the required fees as set by the department.

29 (c) Completes the application for a certificate.

30 (d) Prior to January 1, ~~2011~~ 2012, meets the requirements of  
31 Section 11975.41, or possesses an advanced certification issued  
32 by one of the certifying organizations recognized by the department  
33 under its regulations in effect on December 31, ~~2010~~ 2011, which  
34 certification the department determines by regulation makes the  
35 holder eligible for licensure as an LAODC.

36 11975.45. The educational qualifications required for  
37 registration, certification, or licensure pursuant to this part shall  
38 meet both of the following requirements:

39 (a) The curriculum shall include all of the following:

(1) For all counselors, “Addiction Counseling Competencies,” Technical Assistance Publication Series No. 21, 2006, published by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment.

(2) For counselors at the CAODC-CS or LAODC level, “Competencies for Substance Abuse Treatment Clinical Supervisors,” Technical Assistance Publication Series No. 21-A, 2007, published by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment.

(3) Other materials, sources, and requirements in addition to, or in lieu of, the above, including, but not limited to, more specific subject matter requirements, as the department may specify by regulation.

(b) Education provided by any of the following, as applicable:

(1) An institution of higher learning accredited by the Western Association of Schools and Colleges or an equivalent ~~regional~~ accrediting agency approved by the United States Department of Education.

(2) Other providers as approved by the department, whether individually, through accreditation by another entity recognized by the department, or otherwise as the department may specify by regulation.

(3) An education provider accredited in the alcohol and other drug counseling field by the National Commission for Certifying Agencies *or otherwise recognized by the department*, provided that any education delivered on or after January 1, ~~2011~~ 2012, shall be recognized by the department only if it has been validated to effectively cover the curriculum specified pursuant to this part.

11975.50. (a) The department shall develop or recognize a test for each level of certification or licensure provided in this part. A test recognized by the department shall meet all of the following criteria, as determined by the department:

~~(a)~~

(1) Nationally recognized.

~~(b)~~

(2) Validated to cover the curriculum specified pursuant to this part.

~~(c)~~

1 (3) Administered at a frequency and under conditions providing  
2 reasonable access and security.

3 (b) *The department may provide for the administration of tests*  
4 *as it finds appropriate, including, but not limited to, direct*  
5 *administration, administration by one or more entities contracting*  
6 *with the department, recognition of administration by other entities,*  
7 *or a combination of these methods.*

8 11975.55. The supervised experience required by this part shall  
9 meet all of the following criteria:

10 (a) The required supervised experience may be gained under  
11 the clinical supervision of a CAODC-CS, an LAODC, or another  
12 licensed mental health professional specified by the department  
13 by regulation. This experience shall consist of all of the following:

14 (1) A minimum of 70 percent of the required hours shall be  
15 face-to-face individual or group counseling provided to clients in  
16 the context of alcohol and other drug services, unless the  
17 department modifies this requirement by regulation.

18 (2) A maximum of 30 percent of the required hours may be in  
19 case management, client-centered advocacy, consultation,  
20 evaluation, and research, unless the department modifies this  
21 requirement by regulation.

22 (3) The required hours of supervised experience shall be  
23 obtained over a period of not less than ~~one year~~ *two years* and shall  
24 have been gained within the six years immediately preceding the  
25 date on which the application for certification or licensure was  
26 filed.

27 (4) Experience shall not be credited for more than 40 hours in  
28 any week.

29 (b) (1) Prior to the commencement of *clinical* supervision, a  
30 supervisor shall comply with all requirements for supervisors as  
31 established by the department by regulation.

32 (2) A supervisee shall receive an average of at least one hour  
33 of direct supervisor contact for every week in which more than 10  
34 hours of face-to-face counseling is performed in each setting where  
35 experience is gained. No more than five hours of *clinical*  
36 supervision, whether individual or group, shall be credited during  
37 any single week. For purposes of this section, “one hour of direct  
38 supervisor contact” means one hour of face-to-face contact on an  
39 individual basis or two hours of face-to-face contact in a group,  
40 of not more than eight persons receiving *clinical* supervision,

1 addressing the substance of the supervisory plan required in  
2 subdivision (c).

3 (c) The supervisor and the supervisee shall develop a supervisory  
4 plan that describes the goals and objectives of *clinical* supervision.  
5 These goals shall include the ongoing assessment of strengths and  
6 limitations and the assurance of practice in accordance with the  
7 laws and regulations. The supervisee shall submit to the department  
8 the initial original supervisory plan upon application for licensure  
9 or certification.

10 (d) Experience shall be gained only in a setting that meets both  
11 of the following:

12 (1) Lawfully and regularly provides alcohol and other drug  
13 counseling.

14 (2) Provides oversight to ensure that the supervisee's work at  
15 the setting meets the experience and *clinical* supervision  
16 requirements set forth in this part and is within the scope of practice  
17 for the profession as defined in Section 11975.75.

18 (e) Experience shall not be gained prior to becoming a registrant.

19 (f) A supervisee may be either a paid employee or a volunteer.  
20 Employers are encouraged to provide fair remuneration to  
21 supervisees.

22 (g) A supervisee shall not receive any remuneration from  
23 patients or clients, and shall be paid only by his or her employer.  
24 A supervisee shall not have any proprietary interest in the  
25 employer's business.

26 (h) A supervisee may receive *clinical* supervision from a person  
27 not employed by the supervisee's employer if that person has  
28 signed a written agreement with the employer to take supervisory  
29 responsibility for the supervisee's alcohol and other drug  
30 counseling.

31 (i) Notwithstanding any other provision of law, a supervisee  
32 shall receive a minimum of one hour of *clinical* supervision per  
33 week for each setting in which he or she is working.

34 (j) The department may limit, by regulation, the number of  
35 registrants that any one supervisor may supervise, the number of  
36 registrants that may be supervised in any given program or setting,  
37 and the proportion of the workforce in any given program or setting  
38 which may be comprised of registrants, or any of these.

39 11975.60. The work experience required by this part shall meet  
40 all of the following criteria:

1 (a) Not more than 40 hours of work in any seven consecutive  
2 days shall be recognized.

3 (b) No hours of experience may be gained more than six years  
4 prior to the date the application for registration, certification, or  
5 licensure, as applicable, was filed, except as specifically ~~otherwise~~  
6 provided in this part.

7 (c) Work experience shall not be gained as an independent  
8 contractor.

9 (1) ~~Supervision~~ *Clinical supervision* shall include at least one  
10 hour of direct supervisor contact in each week for which experience  
11 is credited in each work setting, as specified.

12 (2) For purposes of this section, “one hour of direct supervisor  
13 contact” means one hour of face-to-face contact on an individual  
14 basis or two hours of face-to-face contact in a group of not more  
15 than eight persons.

16 (d) Work experience may be completed in any setting that meets  
17 all of the following:

18 (1) Lawfully and regularly provides alcohol and other drug  
19 counseling.

20 (2) Provides oversight to ensure that the registrant’s work at the  
21 setting meets the requirements set forth in this part and is within  
22 the scope of practice for the profession as defined in Section  
23 11975.75.

24 (3) Experience may be gained solely as part of the position for  
25 which the individual volunteers or is employed. Employers are  
26 encouraged to provide fair remuneration to registrants.

27 (e) Except to the extent that the department provides otherwise  
28 by regulation, all persons shall register with the department in  
29 order to be credited for the work experience necessary for licensure  
30 or certification.

31 (f) A registrant shall not receive any remuneration from patients  
32 or clients, and shall be paid only by his or her employer.

33 11975.65. Nothing in this part shall be construed to constrict,  
34 limit, or withdraw the Medical Practice Act (Chapter 5  
35 (commencing with Section 2000)), the Nursing Practice Act  
36 (Chapter 6 (commencing with Section 2700)), the Psychology  
37 Licensing Act (Chapter 6.6 (commencing with Section 2900)), the  
38 Marriage and Family Therapist Act (Chapter 13 (commencing  
39 with Section 4980)), or the Clinical Social Worker Practice Act

(Chapter 14 (commencing with Section 4991)) of Division 2 of the Business and Professions Code.

11975.70. This part shall not apply to any of the following, provided that this exception shall not preclude the department from considering any conduct in any setting in its determination of fitness for registration, certification, or licensure or in any disciplinary matter:

(a) A person who engages in the practice of alcohol and drug counseling exclusively for any of the following:

(1) For in-custody services of the California Department of Corrections and Rehabilitation.

(2) As an employee or volunteer of the State of California.

(3) As an employee or volunteer of an agency of the United States government.

(b) A person who is an unpaid member of a peer or self-help group who performs peer group or self-help activities if the person does not use a title stating or implying that he or she is a licensed alcohol and drug counselor or any other designation listed in Section 11975.85.

(c) A cleric or other religious leader who provides *spiritual* advice and guidance to members of his or her congregation or order, *or to other persons, if it is* free of charge.

(d) A director, officer, or staff member of a program described in Section 8001 of the Penal Code.

11975.75. (a) An individual licensed, *registered*, or certified under this part may engage in the practice of alcohol and drug counseling. ~~For purposes of this part, the “practice of alcohol and drug counseling” means performing any of the following services for the purpose of treating alcohol and drug abuse:~~

~~(1) Initial intake.~~

~~(2) Assessment.~~

~~(3) Orientation.~~

~~(4) Treatment planning.~~

~~(5) Alcohol and drug counseling, including individual, group, and significant others.~~

~~(6) Case management.~~

~~(7) Crisis intervention.~~

~~(8) Client education.~~

~~(9) Referral.~~

~~(10) Reports and recordkeeping.~~

1 ~~(11) Consultation with other professionals with regard to client~~  
2 ~~treatment or services.~~

3 (b) A counselor or registrant may perform the acts listed in this  
4 section only for the purpose of treating alcohol and other drug  
5 problems.

6 (c) *For purposes of the part, “alcohol and drug counseling”*  
7 *means a process involving a therapeutic relationship between a*  
8 *client who is experiencing addiction, dependence, or abuse of*  
9 *alcohol or other drugs and a counselor or therapist trained to*  
10 *provide that help to address that addiction, dependence, or abuse.*

11 *Alcohol and drug abuse counseling includes understanding and*  
12 *application of the limits of the counselor’s own qualifications and*  
13 *scope of practice, including, but not limited to, screening and, as*  
14 *indicated, referral to or consultation with an appropriately licensed*  
15 *mental health practitioner consistent with the client’s needs.*  
16 *Alcohol and drug abuse counseling also includes the professional*  
17 *and ethical application of basic tasks and responsibilities which*  
18 *include all of the following:*

19 (1) *Clinical evaluation.*

20 (2) *Treatment planning.*

21 (3) *Referral.*

22 (4) *Service coordination.*

23 (5) *Client, family, and community education.*

24 (6) *Client, family, and group counseling.*

25 (7) *Documentation.*

26 11975.80. The department shall issue a license, *registration*,  
27 or certification to each applicant meeting the requirements of this  
28 part, ~~which~~ *that* license or certification permits the holder to engage  
29 in alcohol and other drug counseling as defined in Section  
30 11975.75, entitles the holder to use the title of licensed, *registered*,  
31 or certified alcohol and other drug counselor, as applicable, and  
32 authorizes the holder to hold himself or herself out as qualified to  
33 perform the functions delineated by this part, subject to any  
34 limitations relating to the level of the license, *registration*, or  
35 certification or other conditions that may be imposed by the  
36 department. The form and content of the license, *registration*, or  
37 certification shall be determined by the department.

38 11975.85. A person who has received a certificate, *registration*,  
39 or license under this part may use the title “Certified Alcohol and  
40 Other Drug Counselor” or “CAODC,” ~~“Certified Alcohol and~~

1 ~~Other Drug Counselor—Advanced” or “CAODC-A,” “Registered~~  
2 ~~Alcohol and Other Drug Counselor” or “RAODC,” “Certified~~  
3 ~~Alcohol and Other Drug Counselor – Clinical Supervisor” or~~  
4 ~~“CAODC-CS,” or “Licensed Alcohol and Other Drug Counselor”~~  
5 ~~or “LAODC,” in accordance with the type of certificate,~~  
6 ~~registration, or license possessed. Every person who styles himself~~  
7 ~~or herself or who holds himself or herself out to be a Certified~~  
8 ~~Alcohol and Other Drug Counselor, Certified Alcohol and Other~~  
9 ~~Drug Counselor—Advanced, Certified Registered Alcohol and~~  
10 ~~Other Drug Counselor, Certified Alcohol and other Drug~~  
11 ~~Counselor-Clinical Supervisor, or Licensed Alcohol and Other~~  
12 ~~Drug Counselor without holding a license or certification in good~~  
13 ~~standing under this part, is guilty of a misdemeanor.~~

14 11975.90. It is unlawful for a person to engage in the practice  
15 of alcohol and other drug counseling unless at the time of so doing  
16 the person holds a valid, unexpired, and unrevoked certificate,  
17 registration, or license under this part. *This section shall become*  
18 *operative on January 1, 2012.*

19 11975.95. The department may deny, revoke, suspend, or  
20 impose conditions upon a license, certification, or registration for  
21 unprofessional conduct. Unprofessional conduct, includes, but is  
22 not limited to, any of the following:

23 (a) The conviction of a crime ~~which~~ *that* permits denial of a  
24 license, certification, or registration pursuant to Section 11976.45  
25 *or which the department finds is substantially related to the*  
26 *practice of alcohol and drug counseling.*

27 (b) Securing a license, certification, or registration by fraud,  
28 deceit, or misrepresentation on any application submitted to the  
29 department, whether engaged in by an applicant for a license,  
30 certification, or registration, or in support of any application by  
31 another.

32 (c) Administering to himself or herself any controlled substance  
33 as defined in Section 4021 of the Business and Professions Code,  
34 or using any of the dangerous drugs or devices specified in Section  
35 4022 of the Business and Professions Code or using any alcoholic  
36 beverage to the extent, or in a manner, as to be dangerous or  
37 injurious to the person applying for a license, certification, or  
38 registration, or holding a license, certification, or registration under  
39 this part, or to any other person, or to the public, or, to the extent  
40 that the use impairs the ability of the person applying for or holding

1 a license, certification, or registration, to conduct with safety to  
2 the public the counseling authorized by this part. The department  
3 may deny an application for a license, certification, or registration,  
4 or may revoke the license, certification, or registration of any  
5 person who uses or offers to use a controlled substance as defined  
6 in Section 4021 of the Business and Professions Code, a dangerous  
7 drug or device specified in Section 4022 of the Business and  
8 Professions Code, or alcohol in the course of performing alcohol  
9 and other drug counseling. This provision does not apply to any  
10 person also licensed as a physician and surgeon under Chapter 5  
11 (commencing with Section 2000) of the Business and Professions  
12 Code or the Osteopathic Act who lawfully prescribes drugs to a  
13 patient under his or her care.

14 (d) Gross negligence or incompetence in the performance of  
15 alcohol and other drug counseling.

16 (e) Violating, attempting to violate, or conspiring to violate this  
17 part or any regulation adopted by the department.

18 (f) Misrepresentation as to the type or status of a license,  
19 certification, or registration held by the person, or otherwise  
20 misrepresenting or permitting misrepresentation of his or her  
21 education, professional qualifications, or professional affiliations  
22 to any person or entity.

23 (g) Impersonation of another by any counselor or registrant, or  
24 applicant for a license, certification, or registration, or, in the case  
25 of a counselor, allowing any other person to use his or her license,  
26 certification, or registration.

27 (h) Aiding or abetting any unlicensed, uncertified, or  
28 unregistered person to engage in conduct for which a license,  
29 certification, or registration is required under this part.

30 (i) Intentionally or recklessly causing physical or emotional  
31 harm to any client.

32 (j) The commission of any dishonest, corrupt, or fraudulent act  
33 substantially related to the qualifications, functions, or duties of a  
34 counselor or registrant.

35 (k) Soliciting or engaging in sexual relations with a client or  
36 with a former client within two years from the termination date of  
37 treatment.

38 (l) Engaging in a social or business relationship for personal  
39 gain with a current client, a current client's family member, or  
40 other persons significant to a client.

1 (m) Performing, or holding oneself out as being able to perform,  
2 or offering to perform, or permitting any licensee under *clinical*  
3 supervision to perform any professional services beyond the scope  
4 of the license authorized by this part.

5 (n) Failure to maintain confidentiality, except as otherwise  
6 required or permitted by law, including, but not limited to, Part 2  
7 (commencing with Section 2.1) of Subchapter A of Chapter 1 of  
8 Title 42 of the Code of Federal Regulations.

9 (o) Prior to the commencement of treatment, failing to disclose  
10 to the client or prospective client the fee to be charged for the  
11 professional services, or the basis upon which that fee will be  
12 computed.

13 (p) Paying, accepting, or soliciting any consideration,  
14 compensation, or remuneration, whether monetary or otherwise,  
15 for the referral of professional clients. All consideration,  
16 compensation, or remuneration shall be in relation to professional  
17 counseling services actually provided by the licensee. Nothing in  
18 this subdivision shall prevent collaboration among two or more  
19 licensees in a case or cases. However, no fee shall be charged for  
20 that collaboration, except when disclosure of the fee has been made  
21 in compliance with subdivision (o).

22 (q) Advertising or using a name in a manner that is false,  
23 misleading, or deceptive.

24 (r) Conduct in the *clinical* supervision of any individual licensed,  
25 certified, or registered counselor that violates this part or rules or  
26 regulations adopted by the department.

27 (s) Failure to keep records consistent with sound professional  
28 judgment, the standards of the profession, and the nature of the  
29 services being rendered.

30 (t) Failure to comply with the child abuse reporting requirements  
31 of Section 11166 of the Penal Code.

32 (u) Failure to comply with the elder and dependent adult abuse  
33 reporting requirements of Section 15630 of the Welfare and  
34 Institutions Code.

35 (v) Willful denial of access to client records as otherwise  
36 provided by law.

37 11976.10. The department shall revoke a license, certification,  
38 or registration issued under this part upon a decision made in  
39 accordance with the procedures set forth in the adjudication  
40 provisions of the Administrative Procedure Act (Chapter 5

(commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) that contains any finding of fact that the counselor or registrant engaged in any act of sexual contact, as defined in Section 729 of the Business and Professions Code, when that act is with a client, or with a former client when the relationship was terminated primarily for the purpose of engaging in that act. The revocation shall not be stayed by the administrative law judge or the department.

11976.15. The department may deny an application, or may suspend or revoke a license, certification, or registration issued under this part, for denial of licensure, revocation, suspension, restriction, or other disciplinary action imposed by another state or territory of the United States, or by any other governmental agency, on a license, certificate, or registration to practice alcohol and other drug counseling or other healing art. A certified copy of the disciplinary action decision or judgment shall be conclusive evidence of that action.

11976.20. The director may temporarily suspend a license, certification, or registration prior to a hearing when, in the opinion of the director, the action is necessary to protect a client from physical or mental abuse, abandonment, or other substantial threat to health or safety. The director shall give notice of the temporary suspension and the effective date of the temporary suspension and, at the same time, shall serve an accusation. Upon receipt of a notice of defense to the accusation, the director shall, within 15 days, set the matter for hearing, and the hearing shall be held as soon as possible. The temporary suspension shall remain in effect until the time the hearing is completed and the director has made a final determination on the need for the temporary suspension to remain in place pending resolution of the accusation. However, the temporary suspension shall be deemed vacated if the director fails to make a final determination on the merits within 30 days after the hearing, if the director hears the matter personally or within 30 days after the department receives the proposed decision from the Office of Administrative Hearings, or if the matter is heard by a hearing officer.

11976.25. (a) A person who has applied for or received a license, certification, or registration from the department under this part has the right to appeal an adverse decision of the

1 department with regard to his or her application, license, certificate,  
2 or registration.

3 (b) Unless the department specifies additional or different due  
4 process provisions by regulation, an appeal shall be determined in  
5 accordance with the adjudication provisions of the Administrative  
6 Procedure Act (Chapter 5 (commencing with Section 11500) of  
7 Part 1 of Division 3 of Title 2 of the Government Code).

8 11976.30. The department may impose reasonable terms,  
9 conditions, or restrictions on a disciplinary action to protect the  
10 health, safety, and welfare of the public.

11 11976.35. A person may request reinstatement of a license or  
12 certification, or a reduction of discipline, by applying for  
13 reinstatement or reduction pursuant to Section 11522 of the  
14 Government Code.

15 11976.40. An applicant who fails ~~a written or oral~~ *an*  
16 examination administered by or on behalf of the department may  
17 within one year from the notification date of failure retake that  
18 examination at the next regularly scheduled examination date,  
19 without further application, upon payment of the required  
20 examination fees. Thereafter, the applicant shall not be eligible  
21 for further examination until he or she files a new application,  
22 meets all current requirements, and pays all required fees.

23 11976.45. (a) An applicant for a license, certification, or  
24 registration under this part shall consent to a state and federal level  
25 criminal offender record information search as part of a criminal  
26 history background check. Refusal to consent to the criminal  
27 history background check, as delineated in this section, shall result  
28 in denial of the license, certification, or registration.

29 (b) The following procedure shall be followed for criminal  
30 offender record information searches:

31 (1) The department shall submit to the Department of Justice  
32 fingerprint images and related information required by the  
33 Department of Justice of all alcohol and other drug counselor  
34 licensure, certification, or registration applicants, as defined by  
35 Section 11975.25, for the purposes of obtaining information as to  
36 the existence and content of a record of state or federal convictions  
37 and state or federal arrests and also information as to the existence  
38 and content of a record of state or federal arrests for which the  
39 Department of Justice establishes that the person is free on bail or  
40 on his or her own recognizance pending trial or appeal.

(2) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this section. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and compile and disseminate a response to the department.

(3) The Department of Justice shall provide a response to the department pursuant to paragraph (1) of subdivision (p) of Section 11105 of the Penal Code.

(4) The department shall request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for persons described in paragraph (1).

(5) The Department of Justice shall charge fees sufficient to cover the cost of processing the request described in this section. The applicant shall be responsible for payment of these fees.

(6) The applicant shall pay the fingerprint image rolling - electronic submission fee charged by the Live Scan device operator.

(c) Before issuing a registration, certification, or license, the department shall ensure that the state and federal level criminal history of the applicant is reviewed.

(d) The department shall deny or revoke a license, certification, or registration to an individual if, at the time of the department's determination, the person meets one or more of the following:

(1) Has been convicted of five or more criminal offenses within a 30-month period ending two years or less prior to the date of the department's determination.

(2) Is required to register as a sex offender pursuant to Section 290 of the Penal Code.

~~(3) Has~~

(3) (A) *Subject to subparagraphs (b) and (c), has been convicted of a violent felony, as defined in Section 667.5 of the Penal Code, within three years prior to the date of the department's determination.*

(B) *After the expiration of three years from the date of conviction, if a person described in subparagraph (A) is on parole, he or she may be registered, certified, or licensed, conditioned upon the written approval of his or her parole officer or the Board of Parole Hearings, as the Board of Parole Hearings may provide. Withdrawal of the approval of the parole officer or the Board of*

1 *Parole Hearings may be made upon terms as the Board of Parole*  
2 *Hearings may provide, on written notice to the counselor or*  
3 *parolee and to the department. In the event of withdrawal of the*  
4 *approval, the counselor's or parolee's registration, certification,*  
5 *or licensure shall be revoked by the department upon receipt by*  
6 *the department of the notice of withdrawal of approval, without*  
7 *further recourse against the department. The withdrawal of*  
8 *approval shall be subject to review by the Board of Parole*  
9 *Hearings upon terms as the Board of Parole Hearings may provide.*  
10 *If the approval is reinstated, the department shall reinstate the*  
11 *counselor or parolee if he or she is otherwise eligible for*  
12 *reinstatement under this part and complies with all applicable*  
13 *requirements.*

14 *(C) The provisions of subparagraph (B) shall also apply to a*  
15 *person convicted of a crime that the department finds is*  
16 *substantially related to the practice of alcohol and drug counseling.*

17 (e) The department may establish by regulation additional  
18 criteria to implement subdivision (d), which may include, but not  
19 be limited to, standards, exemptions, and terms of rehabilitation,  
20 and may include rebuttable presumptions with regard to any of  
21 those.

22 (f) This section shall become operative on July 1, 2010.

23 11976.50. (a) Licenses or certifications issued under this part  
24 shall expire within two years after the issue date. The expiration  
25 date of the original license or certification shall be set by the  
26 department.

27 (b) To renew an unexpired license or certification, the counselor  
28 shall, on or before the expiration date of the license or certification,  
29 complete the following actions:

30 (1) Apply for a renewal on a form prescribed by the department.

31 (2) Pay a two-year renewal fee prescribed by the department.

32 (3) Complete at least 40 hours of continuing education, as  
33 approved by the department.

34 (4) Notify the department whether he or she has been convicted,  
35 as defined in subdivision (a) of Section 11975.95 of a misdemeanor  
36 or felony, or whether any disciplinary action has been taken by  
37 any regulatory or licensing board in this or any other state,  
38 subsequent to the licensee's last renewal.

1 (c) To renew an expired license or certification within three  
2 years of its expiration, the counselor shall, as a condition precedent  
3 to renewal, do all of the following:

4 (1) Apply for renewal on a form prescribed by the department  
5 within three years of the expiration date of the license.

6 (2) Pay the renewal fees that would have been paid if the license  
7 had not been delinquent.

8 (3) Pay all delinquency fees.

9 (4) Complete the applicable continuing education requirements.

10 (5) Notify the department whether he or she has been subject  
11 to, or whether another department or board has taken, disciplinary  
12 action since the last renewal.

13 (d) A license or certification that is not renewed within three  
14 years after its expiration

15 may be reinstated if the counselor satisfies requirements set forth  
16 in regulation.

17 11976.55. A counselor shall display his or her license or  
18 certification in a conspicuous place in the counselor's primary  
19 place of business. The current renewal receipt shall be displayed  
20 near the license.

21 11976.60. A licensed alcohol and other drug counselor who  
22 conducts a private practice under a fictitious business name shall  
23 not use a name that is false, misleading, or deceptive, and shall  
24 inform the patient, prior to the commencement of treatment, of the  
25 name and license designation of the owner or owners of the  
26 practice.

27 11976.70. A suspended license or certification is subject to  
28 expiration and may be renewed as provided in this part, but the  
29 renewal does not entitle the counselor, while it remains suspended  
30 and until it is reinstated, to engage in the activity to which the  
31 license or certification relates, or in any other activity or conduct  
32 in violation of the order or judgment by which it was suspended.

33 11976.80. A licensed or certified alcohol and other drug  
34 counselor may apply to the department to request that his or her  
35 license or certification be placed on inactive status. A person who  
36 holds an inactive license or certification shall pay a biennial fee  
37 of one-half of the active renewal fee and shall be exempt from  
38 continuing education requirements specified in paragraph (3) of  
39 subdivision (b) of Section 11976.50, but shall otherwise be subject  
40 to this part and shall not engage in the practice of alcohol and other

1 drug counseling in this state. A counselor on inactive status who  
2 has not committed any acts or crimes constituting grounds for  
3 denial of licensure or certification may, upon his or her request,  
4 have his or her license or certification to practice alcohol other  
5 and drug counseling placed on active status. A person requesting  
6 his or her license or certification to be placed on active status at  
7 any time during a renewal cycle shall pay a pro rata portion of the  
8 renewal fees. A person requesting to reactivate from an inactive  
9 status whose license or certification will expire less than one year  
10 from the date of the request shall be required to complete 20 hours  
11 of continuing education for license renewal. A person requesting  
12 to reactivate from an inactive status whose license or certification  
13 will expire more than one year from the date of the request shall  
14 be required to complete 40 hours of continuing education for  
15 license or certification renewal.

16 11976.85. A person licensed, certified, or registered under this  
17 part shall comply with both of the following:

18 (a) Provide written notice to the department within 30 days of  
19 any change of address.

20 (b) Provide written notice to the department within 30 days of  
21 a name change giving both the old and the new names along with  
22 a copy of the legal document authorizing the name change,  
23 including, but not limited to, a court order or marriage license.

24 11976.90. (a) Except as otherwise provided in this part, an  
25 accusation filed pursuant to Section 11503 of the Government  
26 Code against a person licensed, certified, or registered under this  
27 part shall be filed within three years from the date the department  
28 discovers the alleged act or omission that is the basis for  
29 disciplinary action or within seven years from the date the alleged  
30 act or omission that is the basis for disciplinary action occurred,  
31 whichever occurs first.

32 (b) An accusation filed against a person licensed, certified, or  
33 registered alleging the procurement of a license, certification, or  
34 registration by fraud or misrepresentation is not subject to the  
35 limitations set forth in subdivision (a).

36 (c) An accusation alleging sexual misconduct shall be filed  
37 within three years after the department discovers the act or  
38 omission alleged as the grounds for disciplinary action or within  
39 10 years after the act or omission alleged as the grounds for  
40 disciplinary action occurred, whichever occurs first.

(d) If an alleged act or omission involves a minor, the seven-year limitation period provided for by subdivision (a) and the 10-year limitation period provided for by subdivision (d) shall be tolled until the minor reaches the age of majority.

(e) The limitation period provided by subdivision (a) shall be tolled during any period if material evidence necessary for prosecuting or determining whether a disciplinary action would be appropriate is unavailable to the department due to an ongoing criminal investigation.

(f) For purposes of this section, “discovers” means the latest of the occurrence of any of the following with respect to each act or omission alleged as the basis for disciplinary action:

(1) The date the department received a complaint or report describing the act or omission.

(2) The date, subsequent to the original complaint or report, on which the department became aware of any additional acts or omissions alleged as the basis for disciplinary action against the same individual.

(3) The date the department receives from the complainant a written release of information pertaining to the complainant’s diagnosis and treatment.

11976.95. Nothing in this part shall apply to any alcohol and other drug counselor from outside this state, when in actual consultation with a licensed practitioner of this state, or when an invited guest of a professional association, or of an educational institution for the sole purpose of engaging in professional education through lectures, clinics, or demonstrations, if he or she is at the time of the consultation, lecture, or demonstration licensed to practice alcohol and other drug counseling in the state or country in which he or she resides. These alcohol and other drug counselors shall not open an office or appoint a place to meet clients or receive calls from clients within the limits of this state.

11976.97. (a) Education, supervised experience, and work experience gained outside of California may be accepted toward the licensure or certification requirements if it is substantially the equivalent of the requirements of this part.

(b) The department may issue a license or certification to any person who, at the time of application, meets all of the following requirements:

- (1) Has held a valid active alcohol and other drug counseling license or certification issued by a board of alcohol and other drug counseling examiners or corresponding authority of any state.
- (2) Passes the current applicable examination.
- (3) Pays the required fees.
- (4) Passes the required background check.
- (5) Is not subject to denial of licensure or certification under this part.

#### CHAPTER 4. FISCAL PROVISIONS

11977.10. The Alcohol and Other Drug Counselors License Fund is hereby established in the State Treasury. All fees and fines collected by the department in accordance with this part shall be deposited in this fund. The money in the fund shall be available, upon appropriation by the Legislature, for the purpose of supporting the counselor licensing activities of the department.

11977.15. (a) Until the department establishes different fees by regulation, the department shall assess the following fees relating to the licensure, certification, or registration of alcohol and other drug counselors:

(1) The application fee for registration as a registrant shall be seventy-five dollars (\$75).

(2) The fee for renewal of a registration shall be seventy-five dollars (\$75).

~~(3) The fee for application for examination eligibility shall be one hundred dollars (\$100).~~

~~(4)~~

(3) The fee for a written examination administered by or on behalf of the department shall be one hundred fifty dollars (\$150).

~~(5) The fee for an oral examination, if any, administered by or on behalf of the department, shall be one hundred dollars (\$100).~~

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.

(B) This subdivision shall not establish or limit the examination fee charged for the examination recognized in subdivision (a) of Section 11975.50 or any other examination that is recognized by the department but not administered by or on behalf of the department.

1     ~~(6) The fee for rescoreing an examination shall be twenty dollars~~  
2     ~~(\$20).~~

3     ~~(7)~~

4     (4) The fee for issuance of an initial license or certification shall  
5     be one hundred fifty-five dollars (\$155).

6     ~~(8)~~

7     (5) The fee for a license or certification renewal shall be one  
8     hundred fifty-five dollars (\$155).

9     ~~(9)~~

10    (6) The fee for an inactive license or certification renewal shall  
11    be seventy-seven dollars and fifty cents (\$77.50).

12    ~~(10)~~

13    (7) The renewal delinquency fee shall be seventy-five dollars  
14    (\$75). A person who permits his or her license or certification to  
15    expire is subject to the delinquency fee.

16    ~~(11)~~

17    (8) The fee for issuance of a replacement registration, license,  
18    or certificate shall be twenty dollars (\$20).

19    ~~(12)~~

20    (9) The fee for issuance of a certificate or letter of good standing  
21    shall be twenty-five dollars (\$25).

22    ~~(13)~~

23    (10) The fee for department review of the criminal records  
24    information shall be thirty dollars (\$30).

25    ~~(14)~~

26    (11) The fee for the state level criminal offender record  
27    information search shall be set by the Department of Justice and  
28    the fee for the federal level criminal offender record information  
29    search shall be set by the Federal Bureau of Investigation.

30    (b) The department may establish fees based on other categories  
31    or classifications that the department deems necessary or  
32    convenient to maintain an effective and equitable fee structure.  
33    However, the total fees collected by the department pursuant to  
34    this part shall not exceed the total cost to the department of  
35    administering this part.

36    (c) Unless funds are specifically appropriated from the General  
37    Fund in the annual Budget Act or other legislation to support the  
38    activities of the department pursuant to this part, those activities  
39    shall be supported entirely by federal funds and special funds.

40    SEC. 2. Section 11165.7 of the Penal Code is amended to read:

1 11165.7. (a) As used in this article, “mandated reporter” is  
2 defined as any of the following:

3 (1) A teacher.

4 (2) An instructional aide.

5 (3) A teacher’s aide or teacher’s assistant employed by any  
6 public or private school.

7 (4) A classified employee of any public school.

8 (5) An administrative officer or supervisor of child welfare and  
9 attendance, or a certificated pupil personnel employee of any public  
10 or private school.

11 (6) An administrator of a public or private day camp.

12 (7) An administrator or employee of a public or private youth  
13 center, youth recreation program, or youth organization.

14 (8) An administrator or employee of a public or private  
15 organization whose duties require direct contact and supervision  
16 of children.

17 (9) Any employee of a county office of education or the State  
18 Department of Education, whose duties bring the employee into  
19 contact with children on a regular basis.

20 (10) A licensee, an administrator, or an employee of a licensed  
21 community care or child day care facility.

22 (11) A Head Start program teacher.

23 (12) A licensing worker or licensing evaluator employed by a  
24 licensing agency as defined in Section 11165.11.

25 (13) A public assistance worker.

26 (14) An employee of a child care institution, including, but not  
27 limited to, foster parents, group home personnel, and personnel of  
28 residential care facilities.

29 (15) A social worker, probation officer, or parole officer.

30 (16) An employee of a school district police or security  
31 department.

32 (17) Any person who is an administrator or presenter of, or a  
33 counselor in, a child abuse prevention program in any public or  
34 private school.

35 (18) A district attorney investigator, inspector, or local child  
36 support agency caseworker unless the investigator, inspector, or  
37 caseworker is working with an attorney appointed pursuant to  
38 Section 317 of the Welfare and Institutions Code to represent a  
39 minor.

1 (19) A peace officer, as defined in Chapter 4.5 (commencing  
2 with Section 830) of Title 3 of Part 2, who is not otherwise  
3 described in this section.

4 (20) A firefighter, except for volunteer firefighters.

5 (21) A physician, surgeon, psychiatrist, psychologist, dentist,  
6 resident, intern, podiatrist, chiropractor, licensed nurse, dental  
7 hygienist, optometrist, marriage, family and child counselor,  
8 clinical social worker, or any other person who is currently licensed  
9 under Division 2 (commencing with Section 500) of the Business  
10 and Professions Code.

11 (22) Any emergency medical technician I or II, paramedic, or  
12 other person certified pursuant to Division 2.5 (commencing with  
13 Section 1797) of the Health and Safety Code.

14 (23) A psychological assistant registered pursuant to Section  
15 2913 of the Business and Professions Code.

16 (24) A marriage, family, and child therapist trainee, as defined  
17 in subdivision (c) of Section 4980.03 of the Business and  
18 Professions Code.

19 (25) An unlicensed marriage, family, and child therapist intern  
20 registered under Section 4980.44 of the Business and Professions  
21 Code.

22 (26) A state or county public health employee who treats a minor  
23 for venereal disease or any other condition.

24 (27) A coroner.

25 (28) A medical examiner, or any other person who performs  
26 autopsies.

27 (29) A commercial film and photographic print processor, as  
28 specified in subdivision (e) of Section 11166. As used in this  
29 article, “commercial film and photographic print processor” means  
30 any person who develops exposed photographic film into negatives,  
31 slides, or prints, or who makes prints from negatives or slides, for  
32 compensation. The term includes any employee of such a person;  
33 it does not include a person who develops film or makes prints for  
34 a public agency.

35 (30) A child visitation monitor. As used in this article, “child  
36 visitation monitor” means any person who, for financial  
37 compensation, acts as monitor of a visit between a child and any  
38 other person when the monitoring of that visit has been ordered  
39 by a court of law.

1 (31) An animal control officer or humane society officer. For  
2 the purposes of this article, the following terms have the following  
3 meanings:

4 (A) “Animal control officer” means any person employed by a  
5 city, county, or city and county for the purpose of enforcing animal  
6 control laws or regulations.

7 (B) “Humane society officer” means any person appointed or  
8 employed by a public or private entity as a humane officer who is  
9 qualified pursuant to Section 14502 or 14503 of the Corporations  
10 Code.

11 (32) A clergy member, as specified in subdivision (d) of Section  
12 11166. As used in this article, “clergy member” means a priest,  
13 minister, rabbi, religious practitioner, or similar functionary of a  
14 church, temple, or recognized denomination or organization.

15 (33) Any custodian of records of a clergy member, as specified  
16 in this section and subdivision (d) of Section 11166.

17 (34) Any employee of any police department, county sheriff’s  
18 department, county probation department, or county welfare  
19 department.

20 (35) An employee or volunteer of a Court Appointed Special  
21 Advocate program, as defined in Rule 1424 of the California Rules  
22 of Court.

23 (36) A custodial officer as defined in Section 831.5.

24 (37) Any person providing services to a minor child under  
25 Section 12300 or 12300.1 of the Welfare and Institutions Code.

26 (38) An alcohol and other drug counselor or supervisor licensed,  
27 certified, or registered under Part 4 (commencing with Section  
28 11975.10) of Division 10.5 of the Health and Safety Code.  
29 However, alcohol or drug abuse, or both alcohol and drug abuse,  
30 is not in and of itself a sufficient basis for reporting child abuse or  
31 neglect.

32 (b) Except as provided in paragraph (35) of subdivision (a),  
33 volunteers of public or private organizations whose duties require  
34 direct contact with and supervision of children are not mandated  
35 reporters but are encouraged to obtain training in the identification  
36 and reporting of child abuse and neglect and are further encouraged  
37 to report known or suspected instances of child abuse or neglect  
38 to an agency specified in Section 11165.9.

39 (c) Employers are strongly encouraged to provide their  
40 employees who are mandated reporters with training in the duties

1 imposed by this article. This training shall include training in child  
2 abuse and neglect identification and training in child abuse and  
3 neglect reporting. Whether or not employers provide their  
4 employees with training in child abuse and neglect identification  
5 and reporting, the employers shall provide their employees who  
6 are mandated reporters with the statement required pursuant to  
7 subdivision (a) of Section 11166.5.

8 (d) School districts that do not train their employees specified  
9 in subdivision (a) in the duties of mandated reporters under the  
10 child abuse reporting laws shall report to the State Department of  
11 Education the reasons why this training is not provided.

12 (e) Unless otherwise specifically provided, the absence of  
13 training shall not excuse a mandated reporter from the duties  
14 imposed by this article.

15 (f) Public and private organizations are encouraged to provide  
16 their volunteers whose duties require direct contact with and  
17 supervision of children with training in the identification and  
18 reporting of child abuse and neglect.

19 SEC. 3. Section 15630 of the Welfare and Institutions Code is  
20 amended to read:

21 15630. (a) Any person who has assumed full or intermittent  
22 responsibility for the care or custody of an elder or dependent  
23 adult, whether or not he or she receives compensation, including  
24 administrators, supervisors, and any licensed staff of a public or  
25 private facility that provides care or services for elder or dependent  
26 adults, or any elder or dependent adult care custodian, health  
27 practitioner, clergy member, or employee of a county adult  
28 protective services agency or a local law enforcement agency, is  
29 a mandated reporter. An alcohol and other drug counselor or  
30 supervisor licensed, certified, or registered pursuant to Part 4  
31 (commencing with Section 11975.10) of Division 10.5 of the  
32 Health and Safety Code is also a mandated reporter.

33 (b) (1) Any mandated reporter who, in his or her professional  
34 capacity, or within the scope of his or her employment, has  
35 observed or has knowledge of an incident that reasonably appears  
36 to be physical abuse, as defined in Section 15610.63, abandonment,  
37 abduction, isolation, financial abuse, or neglect, or is told by an  
38 elder or dependent adult that he or she has experienced behavior,  
39 including an act or omission, constituting physical abuse, as defined  
40 in Section 15610.63, abandonment, abduction, isolation, financial

1 abuse, or neglect, or reasonably suspects that abuse, shall report  
2 the known or suspected instance of abuse by telephone immediately  
3 or as soon as practicably possible, and by written report sent within  
4 two working days, as follows:

5 (A) If the abuse has occurred in a long-term care facility, except  
6 a state mental health hospital or a state developmental center, the  
7 report shall be made to the local ombudsperson or the local law  
8 enforcement agency.

9 The local ombudsperson and the local law enforcement agency  
10 shall, as soon as practicable, except in the case of an emergency  
11 or pursuant to a report required to be made pursuant to clause (v),  
12 in which case these actions shall be taken immediately, do all of  
13 the following:

14 (i) Report to the State Department of Public Health any case of  
15 known or suspected abuse occurring in a long-term health care  
16 facility, as defined in subdivision (a) of Section 1418 of the Health  
17 and Safety Code.

18 (ii) Report to the State Department of Social Services any case  
19 of known or suspected abuse occurring in a residential care facility  
20 for the elderly, as defined in Section 1569.2 of the Health and  
21 Safety Code, or in an adult day care facility, as defined in paragraph  
22 (2) of subdivision (a) of Section 1502.

23 (iii) Report to the State Department of Public Health and the  
24 California Department of Aging any case of known or suspected  
25 abuse occurring in an adult day health care center, as defined in  
26 subdivision (b) of Section 1570.7 of the Health and Safety Code.

27 (iv) Report to the Bureau of Medi-Cal Fraud and Elder Abuse  
28 any case of known or suspected criminal activity.

29 (v) Report all cases of known or suspected physical abuse and  
30 financial abuse to the local district attorney's office in the county  
31 where the abuse occurred.

32 (B) If the suspected or alleged abuse occurred in a state mental  
33 hospital or a state developmental center, the report shall be made  
34 to designated investigators of the State Department of Mental  
35 Health or the State Department of Developmental Services, or to  
36 the local law enforcement agency.

37 Except in an emergency, the local law enforcement agency shall,  
38 as soon as practicable, report any case of known or suspected  
39 criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse.

1 (C) If the abuse has occurred any place other than one described  
2 in subparagraph (A), the report shall be made to the adult protective  
3 services agency or the local law enforcement agency.

4 (2) (A) A mandated reporter who is a clergy member who  
5 acquires knowledge or reasonable suspicion of elder or dependent  
6 adult abuse during a penitential communication is not subject to  
7 paragraph (1). For purposes of this subdivision, “penitential  
8 communication” means a communication that is intended to be in  
9 confidence, including, but not limited to, a sacramental confession  
10 made to a clergy member who, in the course of the discipline or  
11 practice of his or her church, denomination, or organization is  
12 authorized or accustomed to hear those communications and under  
13 the discipline tenets, customs, or practices of his or her church,  
14 denomination, or organization, has a duty to keep those  
15 communications secret.

16 (B) Nothing in this subdivision shall be construed to modify or  
17 limit a clergy member’s duty to report known or suspected elder  
18 and dependent adult abuse when he or she is acting in the capacity  
19 of a care custodian, health practitioner, or employee of an adult  
20 protective services agency.

21 (C) Notwithstanding any other provision in this section, a clergy  
22 member who is not regularly employed on either a full-time or  
23 part-time basis in a long-term care facility or does not have care  
24 or custody of an elder or dependent adult shall not be responsible  
25 for reporting abuse or neglect that is not reasonably observable or  
26 discernible to a reasonably prudent person having no specialized  
27 training or experience in elder or dependent care.

28 (3) (A) A mandated reporter who is a physician and surgeon,  
29 a registered nurse, or a psychotherapist, as defined in Section 1010  
30 of the Evidence Code, shall not be required to report, pursuant to  
31 paragraph (1), an incident where all of the following conditions  
32 exist:

33 (i) The mandated reporter has been told by an elder or dependent  
34 adult that he or she has experienced behavior constituting physical  
35 abuse, as defined in Section 15610.63, abandonment, abduction,  
36 isolation, financial abuse, or neglect.

37 (ii) The mandated reporter is not aware of any independent  
38 evidence that corroborates the statement that the abuse has  
39 occurred.

1 (iii) The elder or dependent adult has been diagnosed with a  
2 mental illness or dementia, or is the subject of a court-ordered  
3 conservatorship because of a mental illness or dementia.

4 (iv) In the exercise of clinical judgment, the physician and  
5 surgeon, the registered nurse, or the psychotherapist, as defined  
6 in Section 1010 of the Evidence Code, reasonably believes that  
7 the abuse did not occur.

8 (B) This paragraph shall not be construed to impose upon  
9 mandated reporters a duty to investigate a known or suspected  
10 incident of abuse and shall not be construed to lessen or restrict  
11 any existing duty of mandated reporters.

12 (4) (A) In a long-term care facility, a mandated reporter shall  
13 not be required to report as a suspected incident of abuse, as defined  
14 in Section 15610.07, an incident where all of the following  
15 conditions exist:

16 (i) The mandated reporter is aware that there is a proper plan  
17 of care.

18 (ii) The mandated reporter is aware that the plan of care was  
19 properly provided or executed.

20 (iii) A physical, mental, or medical injury occurred as a result  
21 of care provided pursuant to clause (i) or (ii).

22 (iv) The mandated reporter reasonably believes that the injury  
23 was not the result of abuse.

24 (B) This paragraph shall not be construed to require a mandated  
25 reporter to seek, nor to preclude a mandated reporter from seeking,  
26 information regarding a known or suspected incident of abuse prior  
27 to reporting. This paragraph shall apply only to those categories  
28 of mandated reporters that the State Department of Public Health  
29 determines, upon approval by the Bureau of Medi-Cal Fraud and  
30 Elder Abuse and the state long-term care ombudsperson, have  
31 access to plans of care and have the training and experience  
32 necessary to determine whether the conditions specified in this  
33 section have been met.

34 (c) (1) Any mandated reporter who has knowledge, or  
35 reasonably suspects, that types of elder or dependent adult abuse  
36 for which reports are not mandated have been inflicted upon an  
37 elder or dependent adult, or that his or her emotional well-being  
38 is endangered in any other way, may report the known or suspected  
39 instance of abuse.

(2) If the suspected or alleged abuse occurred in a long-term care facility other than a state mental health hospital or a state developmental center, the report may be made to the long-term care ombudsperson program. Except in an emergency, the local ombudsperson shall report any case of known or suspected abuse to the State Department of Public Health and any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(3) If the suspected or alleged abuse occurred in a state mental health hospital or a state developmental center, the report may be made to the designated investigator of the State Department of Mental Health or the State Department of Developmental Services or to a local law enforcement agency or to the local ombudsperson. Except in an emergency, the local ombudsperson and the local law enforcement agency shall report any case of known or suspected criminal activity to the Bureau of Medi-Cal Fraud and Elder Abuse, as soon as is practicable.

(4) If the suspected or alleged abuse occurred in a place other than a place described in paragraph (2) or (3), the report may be made to the county adult protective services agency.

(5) If the conduct involves criminal activity not covered in subdivision (b), it may be immediately reported to the appropriate law enforcement agency.

(d) When two or more mandated reporters are present and jointly have knowledge or reasonably suspect that types of abuse of an elder or a dependent adult for which a report is or is not mandated have occurred, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement, and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(e) A telephone report of a known or suspected instance of elder or dependent adult abuse shall include, if known, the name of the person making the report, the name and age of the elder or dependent adult, the present location of the elder or dependent adult, the names and addresses of family members or any other adult responsible for the elder's or dependent adult's care, the nature and extent of the elder's or dependent adult's condition, the date of the incident, and any other information, including

1 information that led that person to suspect elder or dependent adult  
2 abuse, as requested by the agency receiving the report.

3 (f) The reporting duties under this section are individual, and  
4 no supervisor or administrator shall impede or inhibit the reporting  
5 duties, and no person making the report shall be subject to any  
6 sanction for making the report. However, internal procedures to  
7 facilitate reporting, ensure confidentiality, and apprise supervisors  
8 and administrators of reports may be established, provided they  
9 are not inconsistent with this chapter.

10 (g) (1) Whenever this section requires a county adult protective  
11 services agency to report to a law enforcement agency, the law  
12 enforcement agency shall, immediately upon request, provide a  
13 copy of its investigative report concerning the reported matter to  
14 that county adult protective services agency.

15 (2) Whenever this section requires a law enforcement agency  
16 to report to a county adult protective services agency, the county  
17 adult protective services agency shall, immediately upon request,  
18 provide to that law enforcement agency a copy of its investigative  
19 report concerning the reported matter.

20 (3) The requirement to disclose investigative reports pursuant  
21 to this subdivision shall not include the disclosure of social services  
22 records or case files that are confidential, nor shall this subdivision  
23 be construed to allow disclosure of any reports or records if the  
24 disclosure would be prohibited by any other provision of state or  
25 federal law.

26 (h) Failure to report, or impeding or inhibiting a report of,  
27 physical abuse, as defined in Section 15610.63, abandonment,  
28 abduction, isolation, financial abuse, or neglect of an elder or  
29 dependent adult, in violation of this section, is a misdemeanor,  
30 punishable by not more than six months in the county jail, by a  
31 fine of not more than one thousand dollars (\$1,000), or by both  
32 that fine and imprisonment. Any mandated reporter who willfully  
33 fails to report, or impedes or inhibits a report of, physical abuse,  
34 as defined in Section 15610.63, abandonment, abduction, isolation,  
35 financial abuse, or neglect of an elder or dependent adult, in  
36 violation of this section, where that abuse results in death or great  
37 bodily injury, shall be punished by not more than one year in a  
38 county jail, by a fine of not more than five thousand dollars  
39 (\$5,000), or by both that fine and imprisonment. If a mandated  
40 reporter intentionally conceals his or her failure to report an

1 incident known by the mandated reporter to be abuse or severe  
2 neglect under this section, the failure to report is a continuing  
3 offense until a law enforcement agency specified in paragraph (1)  
4 of subdivision (b) of Section 15630 discovers the offense.

5 (i) For purposes of this section, “dependent adult” shall have  
6 the same meaning as in Section 15610.23.

7 SEC. 4. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district will be incurred because this act creates a new crime or  
11 infraction, eliminates a crime or infraction, or changes the penalty  
12 for a crime or infraction, within the meaning of Section 17556 of  
13 the Government Code, or changes the definition of a crime within  
14 the meaning of Section 6 of Article XIII B of the California  
15 Constitution.